REMARKS

Claims 1, 2 and 4 – 12 are pending and under consideration in the above-identified application.

In the office Action, Claims 1, 2 and 4 – 12 were rejected.

In this Amendment, Claims 1, 2, and 5 – 12 are amended. No new matter has been introduced as a result of this amendment.

Accordingly, Claims 1, 2, and 4 – 12 remain at issue.

I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 2 and 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that an information processing apparatus for transmitting information to a transmission party via a network in predetermined units, said information processing apparatus comprising a first transmission unit for transmitting first information to said transmission party via said network in *a first set of first information* units; a receiving unit for receiving, from said transmission party, information about the reception of said first information transmitted by said first transmission unit; a clocking unit for clocking the time from when said first information is transmitted; a determination unit for determining whether or not the time clocked by said clocking unit exceeds a reference value; a second transmission unit for retransmitting said first information when said determination unit determines that the time clocked by said clocking unit does not exceed said reference value and for transmitting second information *via said network in a first set of second information units* when said determination unit determines that the time clocked by said clocking unit exceeds said reference value, in a case where said received information received by said receiving unit indicates that said transmission party has not yet received said first information; and a dividing unit for dividing *each of the first set of first* information units and *each of the first set of* second information units into corresponding *second sets of information* units, wherein said first transmission unit and second transmission unit

transmit said first information and second information by using their corresponding *second sets of information* units.

Thus, the first information is transmitted via a first set of first information units and a second information is transmitted via a first set of second information units. Moreover, each of the first set of first information units and the second information are divided into corresponding second sets of information units.

Claim 9 recites that "a second deletion unit for deleting said second packets stored in said storage unit, corresponding to said first packet which is immediately prior to another transmitted first packet whose corresponding second packets contain flags, when said determination unit determines that said flags are contained in the information received by said receiving unit."

That is, the second deletion unit deletes second packets, stored in said storage unit, which corresponds to a transmitted first packet which comes immediately before another first packet whose corresponding second packets are determined to contain flags.

Thus, Applicant respectfully requests that these claim rejections under 35 U.S.C. 112 be withdrawn.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 2 and 6 – 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993). Applicant respectfully traverses this rejection.

Claim 1 is directed to an information processing apparatus for transmitting information to a transmission party via a network in predetermined units. The information processing apparatus comprises a first transmission unit, a receiving unit, a clocking unit, a determination unit, and a second transmission unit.

Claim 1 recites "a dividing unit for dividing *each of the first set of first* information units and *each of the first set of* second information units into corresponding *second sets of information* units, wherein said first transmission unit and second transmission unit transmit said

first information and second information by using their corresponding *second sets of information* units."

That is, in the present application information which correspond to a message, which can be either a first or a second information, is divided into a corresponding first set of information units, and each of the corresponding first set of information is further divided into a second set of information units. That is, the second set of information units are generated by dividing each of the first set of information units that may up a message (information).

The Examiner acknowledges that Jalali does not disclose dividing first packets (units) corresponding to first and second information into a plurality of corresponding individual second units, but states that Hamilton does.

Hamilton discloses dividing each message (information) into a plurality of packets (units) as underscored in reference 124 of Fig 7. That is, in Hamilton each of the "first units" is a message and the corresponding "second units" are the packets that make up the message. Thus, in Hamilton each of the second units is not further subdivided into a corresponding second set of information units (packets).

Thus, Hamilton fails to teach or suggest a dividing unit for dividing each of the first set of first information units and each of the first set of second information units into corresponding second sets of information units, and that the first transmission unit and second transmission unit transmit the first information and second information by using their corresponding second sets of information units.

Accordingly, Claim 1 is patentable over Jalali and Hamilton, taken singly or in combination with each other, as is dependent Claim 2 for at least the same reasons.

Claims 6 – 8 recite the same distinguishable limitation as that of Claim 1. As such, Claim 6 – 8 are patentable over Jalali and Hamilton, taken singly or in combination with each other.

III. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993) as applied to claim 1 above, and further in view of Tseung (U.S. Patent No. 5,109,384). Applicant respectfully traverses this rejection.

Claim 4 is dependent on Claim 1 shown above to be allowable over Jalali in view of Hamilton. Moreover, in addition to Jalali and Hamilton Tseung also fails to fairly teach or suggest a dividing unit for dividing each of the first set of first information units and each of the first set of second information units into corresponding second sets of information units, and that the first transmission unit and second transmission unit transmit the first information and second information by using their corresponding second sets of information units.

Thus, no combination of the cited references fairly teaches or suggests the subject matter of Claim 1. Accordingly, Claim 1 is patentable over the cited references, taken singly or in any combination with each other, as is dependent Claim 4.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993) and Tseung (U.S. Patent No. 5,109,384) as applied to claim 4 above, and further in view of Kamihara (U.S. Patent No. 6,854,020). Applicant respectfully traverses this rejection.

Claim 5 is indirectly dependent on Claim 1 shown above to be allowable over Jalali and Hamilton and further in view of Tseung. Moreover, in addition to Jalali Hamilton Tseung Kamihara also fails to fairly teach or suggest a dividing unit for dividing each of the first set of first information units and each of the first set of second information units into corresponding second sets of information units, and that the first transmission unit and second transmission unit transmit the first information and second information by using their corresponding second sets of information units.

Thus, no combination of the cited references fairly teaches or suggests the subject matter of Claim 1. Accordingly, Claim 1 is patentable over the cited references, taken singly or in any combination with each other, as is dependent Claim 5.

V. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 6,392,993) in view of Knobel (U.S. Patent No. 6,765,871) and Tiernan (U.S. Patent No. 6,172,988). Applicant respectfully traverses this rejection.

Claim 9 is directed to an information processing apparatus for receiving information, transmitted via a network, for individual second packets which are created by dividing information of individual first packets which are created by dividing said received information. The information processing apparatus comprises a receiving unit, a storage unit, an assembling unit, a first deletion unit, a determination unit, and a second deletion unit.

Moreover, Claim 9 recites "a second deletion unit for deleting said second packets stored in said storage unit, corresponding to said first packet which is immediately prior to another transmitted first packet whose corresponding second packets contain flags, when said determination unit determines that said flags are contained in the information received by said receiving unit."

Thus, the information processing apparatus is configured for receiving information, transmitted via a network, for individual second packets which are created by dividing information of individual first packets, which are also created by dividing the received information. As such, a plurality of individual second packets corresponds to divided information of a corresponding individual first packet.

As stated above, Hamilton fails to teach or suggest information being divided into a first set of information units, and each of the first set of information units being divided into a corresponding second set of information units. Moreover, Knobel and Tiernan also fail to teach or suggest divided into a first set of information units, and each of the first set of information units being divided into a corresponding second set of information units.

Thus, Claim 9 is patentable, over the cited references, taken singly or in combination with each other, as are dependent Claims 10 – 12 for at least the same reasons.

Accordingly, Applicant respectfully requests that these claim rejections under 35 U.S.C. 103 be withdrawn.

VI. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1, 2 and 4 – 12 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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By: _____

Kader S. Gacem
Registration No. 52,474
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000